

FINANCE DEPARTMENT

REGULATIONS

The 30th May, 1968

No. 1283-1FR-68 12638.—In exercise of the powers conferred by clause 2 of Article 283 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules to further amend the Punjab Subsidiary Treasury Rules, issued under the Treasury Rules (Punjab), Volume I, as adopted by the Haryana Government:—

(i) These rules may be called the Punjab Subsidiary Treasury (Haryana Fourth Amendment) Rules, Volume I, 1968.

(ii) In the Punjab Subsidiary Treasury Rules, Volume I, for rule 4.81, the following shall be substituted namely :—

“4.81—Funds may be supplied to the officers of the P.W.D. in two ways :—

(i) directly by pay and travelling allowance bills; and

(ii) by means of cheques.

Note :— (i) The drawing officers of the Direction and other special offices of the P. W. D. shall however, draw money for meeting contingent expenditure by presenting bills at the treasury.

(ii) The two classes of payment will be registered separately in the Treasury.

No. 1284-1FR 68/12641.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules to further amend

the Punjab Treasury Rules, Volume I, as adopted by the Haryana Government :—

1. These rules may be called the Punjab Treasury (Haryana Third Amendment) Rules, Volume I, 1968.

2. In the Punjab Treasury Rules, Volume I, the existing exception to rule 12 shall be numbered as (i) and the following shall be inserted as exception (ii) :—

“Honorarium payable to a gazetted officer up to Rs 100 on each occasion may be paid on the spot by the head of office for which the service entitling the former to the honorarium is rendered. For this purpose, the head of office will draw the amount by presenting a bill in the form of a simple receipt on the basis of the sanction accorded by the authority competent to sanction the payment of honorarium and disburse the amount to the payees concerned, a proper receipt, duly stamped where necessary, being taken in each case. The voucher should bear a clear indication that it relates to payments to Gazetted Officers and should include in the gazetted Schedule of payments by the Treasury Officer for purposes of audit. The head of office paying honorarium should also inform the disbursing officer from whom the gazetted officer normally draws his regular monthly pay and allowances about the fact of payment having been made to the gazetted office and the latter on receipt of such an intimation, will take this fact of payment into consideration in determining the amount of the income tax to be deducted at source from the salary of the Gazetted Officer in question”.

B. S. MANCHANDA,

Commissioner for Planning & Finance,
and Secretary to Government, Haryana,
Planning & Finance Departments.

LABOUR DEPARTMENT

The 7th/10th June, 1968

No. 5047-3Lab-68/14349.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and the Management of M/s Globe Steels, Ballabgarh.—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

REFERENCE NO. 96 OF 1967

between

THE WORKMEN AND THE MANAGEMENT OF M S GLOBE STEELS, BALLABGARH

Present :—

Shri Harcharan Singh, for the workmen.
Dr. Anand Parkash, for the management.

AWARD

On 17th April, 1957, the workmen employed in M/s Globe Steels, Ballabgarh, served a notice of demands on the management through their trade union called the Globe Steels Mazdoor Union, Ballabgarh, *inter alia*, making a demand “that all the factory workers be allowed working uniforms (two cotton and one

woollen per annum) and the discrimination in this matter be ended". The demand having not been complied with and the conciliation proceedings with regard to the same having presumably failed the Government of Haryana made a reference of the aforesaid industrial dispute to this Tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947, *vide* Haryana Government Notification No. 319-SF-III-Lab-67/2360, dated 2nd August, 1967. The only item of dispute mentioned in the said notification is as under:

"Whether the workmen of the factory should be supplied seasonal uniforms ? If so, with what details and from which date?"

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. When the case came up for hearing the workmen agreed to limit their demand to certain categories of workmen only whose uniforms get worn out and soiled during work. A list of such categories was later filed and an issue was then framed by me which is as follows:—

" Whether the workmen mentioned in the list filed by the workmen as per my order dated 16th December, 1967 should be supplied seasonal uniforms ? If so, with what details and from what date ?"

The workmen examined three witnesses in support of their demand and the management examined one witness. The examination of the management's witness could not be concluded because the witness was not in possession of certain documents which the workmen wanted him to produce during his cross-examination. The case was adjourned and the management's witness was directed to reappear along with the documents, a list of which was given to him. He was to be examined on the 23rd of May, 1968, but on the said date the representative of the workmen made a statement that the workmen did not press the demand for the time being as the management was unable to bear the burden of the cost of the uniforms demanded by them. It may be noted here that the management had pleaded that they were unable to bear the burden of the demand in question and the witness who appeared for them had made a definite statement on this point and had supported the said statement by the account books of the management. In view of the statement of the representative of the workmen and in view of the evidence on record the demand of the workmen is dismissed. They shall, however, be at liberty to raise this demand again when the management is in a better financial position and is in a position to bear the burden of the supply of uniforms demanded by the workmen.

No order as to costs.

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K. L. GOSAIN,

The 30th May 1968

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 646, dated Chandigarh the 30th May, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 5043-3Lab-68/14344 — In pursuance of the provisions of section 17 of the Industrial Dispute Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Chandwali Pipe Industries, Mohan Road, Ballabgarh :—

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH
Reference No. 57 of 1967
between

THE WORKMEN AND THE MANAGEMENT OF M/S CHANDWALI PIPE INDUSTRIES.
MOHAN ROAD, BALI ABGARH

Present— Shri A. Kumar for the management.
Shri Ashok Kumar for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Chandwali Pipe Industries, Mohan Road, Ballabgarh, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947.—*vide* Haryana Government Notification No. 219-SF/III-Lab-67/17818, dated 22nd June, 1967. The only item of dispute which is mentioned in the notification is as under :—

"Whether the workers locked out from 10th March, 1967 should be allowed to resume their duties with continuity of service and full back wages? If not, to what relief are they entitled?"

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On receipt of the reference in this Tribunal usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. A preliminary objection was taken by the management that the reference was vague inasmuch as it did not specify the names of the workmen on whose behalf it was claimed that they should be allowed to resume their duties. Both the parties, however, presumably knew of the names of the workmen to whom the reference related inasmuch as the reference clearly specified that it related to the workmen who had been locked out from 10th March, 1967. The case of the management was that they had not locked out their workmen but that all of them had gone on strike with effect from 10th March, 1967 and had refused to join their duties because of the said strike. The case of the workmen was that all the workmen had been locked out by the management and that they had never gone on strike. There could be no doubt, in these circumstances, with regard to the names of the workmen in question because all the workmen on roll on 10th March, 1967 were covered by the reference. I called upon the parties to produce lists of such workmen and both parties filed lists mentioning the names of the workmen and the said lists were exactly similar. Some of the workmen had been allowed to resume duty by the management on different dates later than 10th March, 1967 and some of the workmen had entered into a settlement with the management on dates later than 10th March, 1967. The representative of the workmen stated before me that they were now interested only in 8 workmen who were mentioned at numbers 14 to 22 excepting numbers 15 and 17 in the list marked by me as Ex. 'A'. Their names are Ram Adhar, Ram Sarup, Moti Lal, Ram Samaj, Hazari Lal, Lila Ram, Khichu Ram and Udey Bir. The demand was limited by the workmen only to the aforesaid 8 persons.

The case of the workmen is that they had no trade union previously and formed a new one sometimes in February, 1967. On the 9th of March 1967 they went to the office of the said union and made some complaints against the management with regard to non-issuing of attendance cards etc. The management came to know of this fact on the evening of the 9th March or morning of 10th March and did not permit any of the workmen to join duties on the morning of the 10th March, 1967. It is further alleged by the workmen that they went to join duty on the morning of 10th of March 1967 but the management told them not to join the same and to go to the office of the union. The workmen kept on sitting at the gate of the factory for a long time on the 10th and again tried to join duty on the 11th morning. On refusal of the management to permit them to join duties even on the 11th the workmen went to the office of the union on the afternoon of the 11th and made a complaint about it. With regard to the first complaint of the workmen the union had written a letter to the Labour Inspector on the 11th morning and with respect to the second complaint of locking out, the union made a complaint to the Labour Inspector on the 13th March, 1967. It is further alleged that the Labour Inspector went to the factory of the respondent on the 13th of March, 1967 and found the workmen sitting at the gate of the factory. One Shri Kaushik who is admittedly managing the affairs of the factory was there and the Labour Inspector requested him to allow the workmen to resume duty. He, however, stated that he was not authorised to accord any such permission and that he would talk to the proprietor and would permit the workmen to resume duty only after the proprietor agreed to this course. Mr. Kaushik told the Labour Inspector that the workmen had gone on strike but the workmen who were all present there denied this fact and said that they were willing to join duty immediately if they were allowed to do so. The Labour Inspector fixed the hearing of the case for the 15th March and asked the management to appear before him. The management admittedly did not attend his office and even later during the conciliation proceedings the management adopted an attitude of non-co-operation with the Labour Department with the result that the conciliation proceedings had to be taken *ex parte*. The workmen have examined five witnesses and in addition to this they have filed a large number of affidavits of persons who have been cross-examined also by the management. Shri Sham Lal, Labour Inspector, has appeared as a witness and has fully supported the case of the workmen. Shri Yudvir Singh, Clerk of the Conciliation Officer, has appeared and has stated that in spite of the best efforts of the Conciliation Officer the management did not participate in the conciliation proceedings. AW-3 Shri Ghansham Dass, Secretary of the trade union has appeared and has fully supported the case of the workmen. All the 7-8 workmen who are now interested in the reference have filed their affidavits and have also appeared as witnesses and have unanimously stated that the management refused to permit the workmen to join their duties on the morning of the 10th of March, 1967 and that the workmen had never gone on strike. The management have produced only two witnesses first of whom Shri Prem Dass is a partner of the firm to whom the factory belongs and the second of whom is Mr. Kaushik who has been admittedly managing the affairs of the factory. Mr. Prem Dass has no personal knowledge of any matter and has given evidence only on the version which he says was given to him by Mr. Kaushik. Mr. Kaushik has, however, stated that the workmen went on strike but he admits that he did not serve any notice on the workmen calling upon them to resume work. He also admits that he did not inform the management on the date when the strike commenced. After giving my careful consideration to the evidence I feel that the evidence given by Shri Kaushik is not worthy of credence. I have no reason to disbelieve the statement of the Labour Inspector and Shri Ghansham Dass, Secretary of the trade union. I have also no reason to disbelieve the affidavits and the statements of the 8 workmen who are now affected by the present reference. I have no doubt that it is fully established by the evidence that the management got enraged over the formation of union and over the workmen having gone to the office of the union on the 9th and with a view to terrify them they did not permit the workmen to join duty on the 10th of March, 1968. The management probably wanted the workmen to ask for an apology for their having gone to the office of the union on the 9th of March, 1967. It is also clear to me that those workmen who later agreed to the terms of the management were allowed to join but the others who did not apologise were not allowed to do so. Out of the 8 persons, Udey Bir is said to have arrived at some final settlement with the management but I do not believe that there was any settlement by him waiving his claim for reinstatement. The management relied on Ex. R 4, the original of which was never produced by them in court and which was never put to Udey Bir when he appeared as a witness and denied this so-called settlement. I have no reason to disbelieve Udey Bir when he says that he never entered into any full and final settlement with the management and never waived his claim for reinstatement. In the result I hold that the lock-out by the management on the 10th of March, 1967 was totally unjustified. The management is directed to reinstate the 8 workmen mentioned above within one month from the date of the publication of this award in the official gazette. Within the aforesaid period they would also pay them their back wages at the usual rate on which they were getting the same at the time they were thrown out of their jobs. The reinstatement and payment of back wages will be made on the basis that their services always continued and that there was no break in it.

No order as to costs.

K.L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

No. 651, dated Chandigarh, the 30th May, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh.

No. 5044-3Lab-68/14346.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and the Municipal Committee, Jagadhri.

**BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH**

Reference No. 4 of 1968

between

THE WORKMEN AND THE MUNICIPAL COMMITTEE, JAGADHRI.

Present.—Shri Suraj Narain, for the management.
Shri Madhusudan Saran, for the workmen.

AWARD

Municipal Committee, Jagadhri, has admittedly about 200 workmen in its employment. They include 4 gangmen who are (1) Nathu Ram, (2) Baru Ram, (3) Krishan Chand and (4) Narauta Ram. A demand notice was served on the committee by the Municipal Employees Union, Jagadhri, *inter alia* making a demand that the aforesaid four gangmen should be allowed to contribute to the provident fund and further that they should be allowed all the national and festival holidays (including second Saturday of each month.) The said demand having not been met and the conciliation proceedings with regard to the same having presumably failed, the industrial dispute arising out of the same has been referred to this tribunal for adjudication under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, *vide* Haryana Government Notification No. ID/UMD/12A-67/301, dated 4th January, 1968. The item of dispute as mentioned in the said notification is as under:

- (i) Whether the Gangmen employed in the committee are entitled to the following benefits which are allowed to other workmen of the committee ?
 - (i) National and Festival Holidays, and other paid Holidays .
 - (ii) Provident Fund Amenity.

If so, with what details and from which date ?

Usual notices having been issued to the parties, the workmen have filed their statement of claims and the management have filed their written statement to the same. Both the parties have led their evidence in respect of the two items of dispute and their representatives have also addressed their arguments to me. The case of the Municipal Committee is that 4 gangmen in question are being allowed only two National Holidays and three Festival Holidays, or three National Holidays and two Festival Holidays at their option. In each year the aforesaid gangmen get five holidays falling under the joint category of National and Festival Holidays. It is urged on behalf of the Municipal Committee that a similar practice is in vogue with regard to the gangmen in the Municipal Committee, Yamuna Nagar, as also in the P.W.D. department of the Government. It is, however, not denied by the Municipal Committee that all other municipal employees which are about 200 in number are getting National and Festival Holidays (including second Saturday of each month) as per list of the gazetted holidays which is issued by the Haryana Government every year. No reason or explanation has been given to me as to why these four gangmen should have a separate treatment in this respect. It has repeatedly been held by the Supreme Court and various High Courts that in order to have a complete industrial peace it is necessary that the employees of each concern should have equal treatment in so far as it is possible. Nothing has been shown to me for discriminating these four gangmen from other employees of the committee in the matter of grant of National and Festival Holidays. The mere fact that the Municipal Committee, Yamuna Nagar or the P.W.D. department of the Government grant only five holidays to their gangmen is by itself no ground to hold that the gangmen in question should have also similar treatment. Nothing has been brought on the record to show the detailed conditions of service of workmen in the Municipal Committee, Yamuna Nagar, or the P.W.D. department of the Government and no reason has been given by either of them to show why they are granting to the gangmen only five National and Festival Holidays. I am not satisfied that the Municipal Committee is justified in depriving the gangmen of the same facilities in the matter of enjoying holidays as all other employees of the Municipal Committee (round about 200 in number) are having. I would, therefore, direct the Municipal Committee to allow to their gangmen such number of National and Festival Holidays (including the holiday on each second Saturday) as are being enjoyed by all other employees of the Municipal Committee. This will be done with effect from first of August, 1968.

If, however, the Municipal Committee needs the services of Gangmen or any of them on any National or Festival Holiday or any particular second Saturday of any month they may require them or him (as the case may be) to work on that day but in lieu of the same they will pay them or him (as the case may be) one day's extra wages or in other words double wages for that day.

With regard to the demand for benefit of the provident fund scheme, the case of the Municipal Committee is that the same is allowable only to persons who are permanent in service and who are not getting consolidated wages, i.e., who are getting graded salary. It is urged by the committee that none of the four gangmen in question is a permanent servant of the committee. It is further urged that all the four gangmen are getting consolidated wages. It is not denied by the workmen that they are getting consolidated wages but it is urged on their behalf that they are permanent workmen. In proof of their assertion that they are permanent workmen, reliance is placed by them on an award of the Labour Court, Rohtak, in reference No. 45 of 1966 published in the official gazette, dated 14th February, 1967. The award does not in terms support the case of the workmen that they are permanent in service. In the said reference Municipal Committee agreed to create four permanent vacancies but it is not proved that the four workmen in question were ever confirmed as permanent employees. Para 16(2) of Chapter 4 of the Municipal Account Code gives a list of the employees who can get the benefit of the provident fund scheme. Opening words of this paragraph mention that it would apply to every 'servant'. The word 'servant' is defined in the preceding paragraph of the same chapter and reads as under:

"Servant' includes every employee of a committee who holds a permanent post in the committee or is officiating in a permanent post in the committee but holds a permanent post in substantive capacity

Admittedly the four gangmen in question do not fall within this definition because none of them is holding permanent post in the committee. The claim of the workmen for being given the benefit of the Provident Fund Scheme is, therefore, not established and is dismissed.

No order as to costs.

Dated 30th May, 1968.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 650, dated Chandigarh, the 30th May, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh.

No. 5042-3Lab-68/14354.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is please to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M's Globe Motors (Workshop) Ltd., Faridabad.

**BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH**

REFERENCE NO. 25 OF 1968

between

**THE WORKMEN AND THE MANAGEMENT OF M/S GLOBE MOTORS
(WORKSHOP) LTD., FARIDABAD**

Present.—Shri S. L. Gupta, for the management.

Shri Darshan Singh, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Globe Motors (Workshop) Ltd., Faridabad, over the following two items, the same was referred to this tribunal for adjudication under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, *vide* Haryana Government Notification No. 1D/FD 6010-14, dated 5th March, 1968 :

1. Whether the workers are entitled to the payment of bonus for the year 1966-67 ? If so, with what details ?
2. Whether the workers working on machines and in paint shop are entitled to uniforms ? If so, with what details ?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise to two issues only which are precisely the same as the two items of dispute. Parties were directed to lead their evidence on the aforesaid issues on the 23rd of May, 1968. On the last mentioned date the representative of the management stated that the management had declared and had also actually paid to the workmen of the concern bonus at the maximum rate of 20 per cent of their wages for the year in question, i. e., 1966-67 and that the claim of the workmen in this respect had been fully satisfied. This position was not denied by the representative of the workmen. The workmen did not produce any evidence on issue No. 2. In the result the demand covered by item No. 1 of the dispute is dismissed as having been fully satisfied and the demand covered by item No. 2 of the dispute is dismissed for want of evidence to establish the same.

No order as to costs.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 649, dated Chandigarh, the 30th May, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.